



**US Army Corps
of Engineers®**
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: May 16, 2000

Comment Period Ends: June 16, 1999

File Number: 2000-01105

In Reply Refer To: Ted Lento

The Town of Falmouth, Waterways Committee, 180 Scranton Ave., Falmouth, MA 02540 requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899 to dredge 890 cubic yards of material to a depth of -4' MLW from a 40' x 500' rectangular area in the Perch Pond inlet, Falmouth, MA. A hydraulic cutter head suction dredge will pump the sandy sediment to an area above the high tide line of the town beach along the west side of Great Pond. The dredged material is predominately medium fine sand and contains less than one percent silt / clay. The project is further depicted on the attached drawings entitled "DREDGING / DISPOSAL PLAN, PERCH POND INLET, FALMOUTH, MASS", dated 4/28/2000.

The project purpose is to provide safe navigational access for small boat shell fishing and recreational boating during all tide cycles and to enhance water quality by increasing the rate of intertidal flushing within Perch Pond. The Town does not intend to add any new structures such as docks or boat ramps and does not plan on any new moorings for Perch pond.

The sandy intertidal area to be dredged is shellfish habitat, however in advance of the proposed dredging, the shellfish constable has moved soft shell clams from the proposed dredge area over the past year. The clams from this area no longer meet safe harvest standards for fecal coliform and the shellfish constable expects that after dredging the increased tidal flushing will support a more productive shellfish habitat.

Fish likely to occur in Perch Pond are; Atlantic cod, haddock and pollock. Dredging would be limited to the time period of June 15th t Feb 1st in any year. The proposed project is expected to have only minor short term impacts on fish occurring in Perch Pond. During construction, fish near work areas would be temporarily displaced by high levels of suspended sediments and noise. Although suspended sediment levels would not generally be lethal to fish, some mortality could occur among highly sensitive species such as Atlantic Silverside. Dredging may temporarily reduce prey species that feed primarily on benthic invertebrates, such as winter flounder. Dredging during the time period of June 15 to February 1 should not impact winter flounder spawning.

Based upon this assessment of impacts to essential fish habitat (EFH), we have preliminarily determined that the project will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not necessary. However, following a review of this public notice, it is possible further EFH consultation may be required by the National Marine Fisheries Service.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Ted Lento at (978) 318-8863 or use our toll free number (800) 343-4789 or (800) 362-4367 if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments, when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

Karen Kirk Adams
Chief, Permits & Enforcement Section
Regulatory Branch

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- ☒ (X) Permit, License or Assent from State.
- ☒ (X) Permit from Local Wetland Agency or Conservation Commission.
- ☐ () Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

**If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch,
696 Virginia Road, Concord, MA 01742-2751.**

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ADDRESS: